

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN J. BONTTY,

Plaintiff,

No. CIV S-04-1491 GEB KJM P

vs.

CAPTAIN S. J. VANCE, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

On July 29, 2004, plaintiff filed a complaint for violation of civil rights under 42 U.S.C. § 1983. With his complaint, plaintiff submitted an incomplete application to proceed in forma pauperis. On August 31, 2004, the court ordered plaintiff to submit a new application to proceed in forma pauperis. Plaintiff was specifically informed that the “certificate” portion of the application appearing on page 2 must be completed and, with his application, plaintiff must submit a certified copy of his prisoner trust account statement for the preceding six months. Plaintiff was informed that failure to comply with the court’s August 31 order would result in a recommendation that this action be dismissed without prejudice.

On September 7, 2004, plaintiff submitted a second application to proceed in forma pauperis. However, the “certificate” section found on page 2 is, again, incomplete and plaintiff did not submit the required copy of his prisoner trust account statement.

1 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
2 without prejudice.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
5 days after being served with these findings and recommendations, plaintiff may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
8 failure to file objections within the specified time may waive the right to appeal the District
9 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: June 27, 2005.

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13 UNITED STATES MAGISTRATE JUDGE
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